

REMARKS

This responds to the Office Action mailed on July 17, 2007.

Claims 1, 8, and 15 are amended; as a result, claims 1-21 are now pending in this application.

Example support for the amendments may be found in a variety of locations throughout the originally filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraph 18.

§103 Rejection of the Claims

Claims 1-2, 4-10, and 12-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed et al. (U.S. 2004/0103017) in view of Gable (U.S. 6,029,165), further in view of Melchione et al. (U.S. 5,966,695). It is of course fundamental that in order to sustain an obviousness rejection that each and every limitation in the rejected claims must be taught or suggested in the proposed combination of references.

The Examiner continues to assert that the Prospect Analytic Record (PAR) of Reed is an unknown and unmapped data source and recited paragraphs 27-28, 30 and 41 of Reed for this proposition. Applicant respectfully disagrees. The Examiner's attention is directed to Reed paragraph 11 where it is stated that the PAR is marketing data of prospective customers. But, the PAR is known and stored in the database it is not unknown. The marketing data pre-exists in the database of Reed and is mapped (known). The fact that a record includes a type that says it is a prospective customer as opposed to a type that says it is an existing customer, does not change the fact that the PAR is still a known data type (prospective customer record type) that pre-exists in the database and is mapped in that database. The use of "prospective" is being taken entirely out of context. This term does not mean does not exist it means it is data known to the database as a potential customer for the enterprise. In fact, the entire disclosure of Reed comports with this understanding.

It appears that the Applicant and Examiner continue to disagree over what is meant by unmapped. The Applicant has attempted to add additional limitations taken from the specification to make the point clear. The unmapped data sources are entirely unrecognized by the segmentation tool. This is not the case in Reed; the PAR is recognized and is in a defined

record format having a defined record type within the database. It is just a different type of record that can be used for analysis purposes to identify potential customers. The PAR data itself is pre-acquired and populated to the database from marketing data.

Accordingly, Applicant respectfully requests that the new limitations make any contrary interpretation of Reed unlikely and invalid in view of what the PAR data actually is in the Reed reference and how it is used therein. Therefore, Applicant respectfully requests that the rejections of record be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claims 3 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Reed in view of Gable, further in view of Melchione as applied to claims 1-2, 4-10 and 12-21 above, and further in view of Copperman et al. (U.S. 2003/0220917). Claims 3 and 11 are dependent from amended independent claims 1 and 8; thus, for the amendments and remarks presented above with respect to independent claims 1 and 8, the rejections of claims 3 and 11 should be withdrawn. Applicant respectfully requests an indication of the same.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

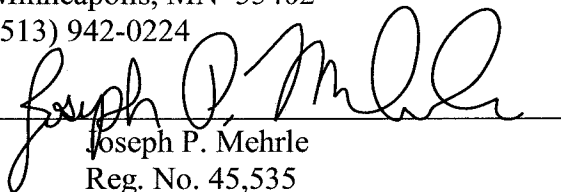
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 14-0225.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 10/17/07

By


Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of October 2007.

KIMBERLY BROWN

Name

Signature

